

REMARKS

In the subject office action, claims 1, 2 and 4 were rejected under 35 USC 102 as being anticipated by Atwood. Claim 5 was rejected under 35 USC 103 as being unpatentable over Atwood, claims 3, 6-15 were objected to as depending from a non-allowed claim and claims 16, 17 and 18 were allowed. With this amendment, it is believed that applicant has complied with 35 USC 112 and that all the claims define the invention in such a clear and concise manner as to fully comply with Section 112.

The rejection of claims 1, 2 and 4 as being anticipated by Atwood is respectfully traversed. With respect to claim 1, the examiner states that the base of applicant's articulated reflector can be seen as barrier 14 in Figs. 1 and 2. Applicant submits that it is the guardrail that is depicted as Number 14 in Figs. 1 and 2. Since applicant's claims do not recite means plus function, applicant submits that the guardrail cannot be used as an indicator of the base of the articulated reflector since the preamble to applicant's claim 1 reflector is for use on lane dividers and guardrails and the like. The examiner states that the somewhat trapezoidal or C-shape clamp 10 can be divided and half of it used to support the basis for rejection as a "L-shape member." Applicant submits that this cutting and picking of only certain portions of the prior art does not show anything similar to applicant's invention as claimed and worded in claims 1, 2 and 4. Applicant submits that the Atwood reference does not read on

claims 1, 2 or 4 and that claims 1, 2 and 4 disclose an invention which is not only novel, but also unobvious over the Atwood reference. Applicant also claims that since the C-shape claim 10 is made out of spring steel that it therefore in itself becomes a resilient member. Applicant submits that as the C-shape member is bent and configured to closely contact the guardrail from top to bottom thereof, that it is not designed or built to be resilient in any substantial manner such as the reflector L-shape member in applicant's claims 1, 2 or 4. Reconsideration and withdrawal of the rejection to claims 1, 2 and 4, is respectfully requested.

The rejection of claim 5 under 35 USC 103 as being unpatentable over Atwood. Claim 5 is rejected because the examiner has considered the invention of claim 5 to be obvious wherein the reflector in Atwood could have been made of plastic. Applicant submits that for the reasons indicated with respect to claims 1, 2 and 4 above, Atwood does not disclose the articulated reflector having a resilient L-shape member positioned between a base and a reflective member as found in claim 1. Since Atwood does not disclose such an invention, the fact that applicant's invention could include a base and reflector carrier made of plastic would not be only an obvious improvement over Atwood.

As stated previously, the examiner has considered Atwood's guardrail to be the equivalent of applicant's base of its reflector that is mountable on a guardrail mounting bolt. This is simply not the case. Since applicant's claims are not broadly claiming means plus function, applicant submits that one cannot

recite a guardrail as a base for a guardrail mountable reflector as shown and described by applicant.

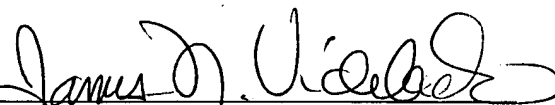
Likewise, there is no hint in Atwood that these parts may be made of plastic, and as such the limitations of claim 5 are unobvious over the Atwood reference. Reconsideration and withdrawal of the rejection in view of the above is respectfully requested.

Applicant has rewritten claims 3 and 6 in independent form and claims 7-15 have been rewritten to depend from allowed claims 3 and 6. As such, they should be allowable.

Claims 16, 17 and 18 have been allowed.

With this amendment, it is believed that all grounds for objection and rejection have been overcome and that the application is in condition for allowance. Such action is courteously solicited.

Respectfully submitted,

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